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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/578,312
Filing Date: May 25, 2000
Appellant(s): DRUMMOND ET AL.

Ralph E. Jocke
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 24, 2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that five groupings of claims based on independent claims 1,12,22,33 and 35. The claims within each group do stand or fall together and reasons are provided as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

	U.S. PAT.	***Date***
6085177	Semple et al.	07-2000
5694150	Sigona et al.	12-1997
5619558	Jheeta	04-1997
6049812	Bertram et al.	04-2000
6049820	Murphy, Jr. et al.	04-2000
4660168	Grant	04-1987
5784058	LaStrange et al.	07-1998

Non-Patent Literature Date

Mark Leon, "TP-monitor vendors spin Web features", InfoWorld, July 1, 1996.

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the

prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1,2,3,4,11,12,13,17,19, 20, 21,22,23,24,25,26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Semple et al. (U.S. PAT. 6085177 A) and Sigona et al. (U.S. PAT. 5694150 A).

Re claims 1,4,11,12,17,19,20,21,22,25,26 and 27: Semple et al. disclose an apparatus comprising: an automated banking machine including a computer and at least one transaction function device in operative connection with the computer, and operating in the computer wherein the computer is operative to cause the transaction function device to operate responsive to instructions in at least one document processed by at least one of the browsers(Abstract, col. 2, line 60-col. 3, lines 1-30, and lines 50-55,col. 4, lines 25-67). And wherein the transaction function device includes a cash dispenser(col. 4, lines 5-45, Fig. 1 shows cash dispensers on the ATM).

Semple et al. disclose(s) the claimed invention except a plurality of browsers and the at least one document includes an HTML document. However, in col. 5, lines 50-67, col. 6, lines 45-65 thereof, Sigona et al. disclose(s) multiple browsers open to accept input and one HTML document able to process user input. It would be obvious to one of ordinary skill in the art to modify the invention of Semple et al. based on the teachings of Sigona et al. The motivation to combine these references is to obtain the benefit of using multiple browser windows to process transactions.

Claims 2, 13 and 23: Semple et al. dislcose at least one output device in operative connection with the computerand wherein documents processed by at least two of the browsers produce outputs delivered simultaneously through the output device(col. 3, lines 9-17,col. 4, lines 45-67, printer and web display on ATM, col. 5, lines 5-10).

Claims 3 and 24: Semple et al. dislcose the output device includes a display(col. 3, lines 9-17). Semple et al. disclose(s) the claimed invention except each of the two browsers outputs on separate portions of the display. However, in Figs. 1,2,3,4,8, col. 5, lines 50-col. 6, lines 15 thereof, Sigona et al. disclose(s) outputs via the broswers on the display screen. It would be obvious to one of ordinary skill in the art to modify the invention of Semple et al. based on the teachings of Sigona et al. The motivation to combine these references is to obtain the benefit of user output through multiple browser windows.

3. Claims 5, 28, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Semple et al. and Sigona et al. as applied to claims 1 and 22 above, and further in view of Jheeta (U.S. PAT. 5619558 A).

Re claims 5, 28, 29, and 30: Semple et al. disclose a card reader in operative connection with the computer(Fig. 1, item 228).

Semple et al. and Sigona et al. disclose(s) the claimed invention except wherein the computer is operative to include card data read by the card reader in a transaction data object, and wherein instructions in documents processed by a plurality of the browsers are operative to access the card data from the transaction data object. And the computer is further operative to cause the cash dispenser to dispense cash responsive to the accessed card data. However, in col. 2, lines 20-50, thereof, Jheeta disclose(s) the conventional and well-known financial transaction of withdrawing money from the ATM. It would be obvious to one of ordinary skill in the art to modify the invention of Semple et al. and Sigona et al. based on the teachings of Jheeta. The motivation to combine these references is using a card reader to perform the ATM function of withdrawing cash is well-known and is one of the main functions of an ATM, and combining this with a browser enhances efficiency of the ATM.

4. Claims 6,7,8,9,10,31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Semple et al. and Sigona et al. as applied to claims 1 and 22 above, and further in view of Murphy, Jr. et al.(U.S. PAT. 6049820 A) and Bertram et al.(U.S. PAT. 6049812 A).

Claims 6,7,8,9,10,31, and 32: Semple et al. disclose a network, wherein the computer of the automated banking machine is in operative connection with the network(Fig. 1, col. 3, lines 10-30);

And at least one of the browsers is operative to produce a non-visible output, wherein the non-visible output is operative to cause the computer to control operation of at least one transaction function device in the banking machine(col. 3, lines 25-44, col. 5, lines 1-20).

And a display device in operative connection with the computer, wherein at least one of the first and second browsers is operative to cause a visible output through the display device(col.3, lines 7-15).

Semple et al. and Sigona et al. disclose(s) the claimed invention except a plurality of servers in operative connection with the network, wherein a first server is operative to deliver first documents and a second server is operative to deliver second documents and wherein at least one of the first and second browsers is operative to cause a visible output through the display device. However, in col. 7, lines 5-60 thereof, Murphy, Jr. et al. disclose(s) HTTP servers that deliver HTML documents throughout the network. It would be obvious to one of ordinary skill in the art to modify the invention of Semple et al. and Sigona et al. based on the teachings of Murphy, Jr. et al. The motivation to combine these references is to obtain the benefit of a network with various servers attached to obtain HTML documents from various other servers and show the HTML documents as visible output.

Semple et al. and Sigona et al. disclose(s) the claimed invention except at least one of the first documents includes at least one show instruction, and wherein the computer is

operative responsive to the show instruction to cause a further visible output responsive to the second browser to be output through the display device. And at least one of the first documents includes at least one size instruction, and wherein the computer is operative responsive to the size instruction to size the further visible output. However, as shown by Bertram et al. (Figs. 1A2, 1B1, 1B2, col. 7, lines 20-35, col. 8, lines 1-12, col. 9, lines 1-15) these characteristics are old and well-known in the computer arts.

It would be obvious to one of ordinary skill in the art to modify the invention of Semple et al. and Sigona et al. based on the teachings of Bertram et al. The motivation to combine these references is to obtain browser input/output, visible/non-visible and resizing flexibility to speed financial transactions.

5. Claims 14,15,16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Semple et al. and Sigona et al. as applied to claim 12 and 13 above, and further in view of Bertram et al.

Re claims 14 and 15: Semple et al. and Sigona et al. disclose(s) the claimed invention except at least one of the first documents includes at least one show instruction, and wherein the computer is operative responsive to the show instruction to cause a further visible output responsive to the second browser to be output through the display device. And at least one of the first documents includes at least one size instruction, and wherein the computer is operative responsive to the size instruction to size the further visible output. However, as shown by Bertram et al. (Figs. 1A2, 1B1,

1B2, col. 7, lines 20-35, col. 8, lines 1-12, col. 9, lines 1-15) these characteristics are old and well-known in the computer arts.

It would be obvious to one of ordinary skill in the art to modify the invention of Semple et al. and Sigona et al. based on the teachings of Bertram et al. The motivation to combine these references is to obtain browser input/output, visible/non-visible and resizing flexibility to speed financial transactions.

Re claims 16 and 18: Semple et al. and Sigona et al. disclose(s) the claimed invention except (c) a size of at least one output from a browser is determined responsive to other outputs. And in step (a) at least five browsers are operated in the machine, and wherein in step (c) outputs corresponding to documents processed by each of the five browsers are delivered through the display device. However, in col. 7, lines 1-25, 55-67, col. 8, lines 1-10, thereof, Bertram et al. disclose(s) multiple, concurrently active URLs and user selection panel for entering label or title that generates a browser in response to user input. It would be obvious to one of ordinary skill in the art to modify the invention of Semple et al. and Sigona et al. based on the teachings of Bertram et al. The motivation to combine these references is to obtain multiple browser functionality to speed transactions.

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grant et al. (4660168) and Mark Leon, "TP-monitor vendors spin Web features", InfoWorld, July 1, 1996(hereinafter Leon).

Grant et al. disclose an automated banking machine including a computer, a plurality of transaction function devices in operative connection with the computer, at least one display device in operative connection with the computer, wherein the transaction function devices include a cash dispenser, wherein the computer is operative to cause at least one of the transaction function devices to operate responsive to instructions(Abstract, col. 1, line 10-col. 2, line 25).

Grant et al. disclose(s) the claimed invention except at least one instance of at least one browser operating in the computer and in at least one document processed by the at least one instance of the at least one browser, and wherein at least one document processed by the at least one instance of the at least one browser produces an output delivered through the at least one display device.

However, in pages 37-38 thereof, Leon disclose(s) updated Top end client code that makes automated teller machines web-enabled so that browsers with their usual functionality operate the ATM machine and present a browser interface to the user. It would be obvious to one of ordinary skill in the art to modify the invention of Grant et al. based on the teachings of Leon. The motivation to combine these references is to obtain the benefit of web-enabled ATM machine display interface to speed ATM transactions.

7. Claims 34,35, 36, 37,38,39, 40, 41, 42, 43, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grant et al. and Leon as applied to claim 33 above, and further in view of LaStrange et al. (U.S. PAT. 5784058).

Grant et al. and Leon disclose(s) the claimed invention except at least two instances of the at least one browser running simultaneously in the computer. And a) simultaneously operating a plurality of instances of at least one browser, b) operating a transaction function responsive to at least one document processed by at least one of the instances of the at least one browser, c) at least one document processed by at least one of the instances of the at least one browser. And accessing the data stored in the transaction data object with at least two instances of the at least one browser responsive to instructions in documents processed by the at least two instances of the at least one browser;

the at least one document includes a show instruction, and prior to step (c) further comprising the step of reading the show instruction with a first instance of the at least one browser, and wherein in step (c) an output responsive to a second instance of the at least one browser is delivered responsive to reading the show instruction with the first instance of the at least one browser;

the step of reading the size instruction with a first instance of the at least one browser, wherein in step (c) an output responsive to a second instance of the at least one browser is produced having a magnitude responsive to the size instruction.

However, in Abstract, Figs. 2-6B col. 1, line 40-col. 2, line 25, col. 4, lines 35-50, col. 5, lines 10-25 thereof, LaStrange et al. disclose(s) multiple browsers and HTML documents on the display screen that are responsive to user input; and the size and show features which are inherent in browser technology. It would be obvious to one of ordinary skill in the art to modify the invention of Grant et al. and Leon based on the teachings of LaStrange et al. The motivation to combine these references is to obtain the benefit of web-enabled ATM machine display interface to speed ATM transactions.

Response to Arguments

8. Applicant's arguments filed May 24, 2004 have been fully considered but they are not persuasive.

In response to the applicant's inquiry about whether Semple teaches or suggests the capability to cause a transaction function device to operate responsive to instructions in at least one document processed by at least one automated banking machine browser. The examiner indicates Semple does teach this functional limitation in col. 3, lines 5-6 and col. 4, lines 40-43. Further, Semple has an ATM including cash dispenser as a transaction function device. In col. 2, lines 32-35, Semple indicates a ATM which is a bank withdrawal machine. Thus, ATM must have "a cash dispenser" and "a cash dispenser" will dispense the cash as a transaction device.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as per claim 1, Semple in view of Sigona do have the recited features. In Abstract, col. 2, line 60-col. 3, lines 1-30, and lines 50-55,col. 4, lines 25-67), and wherein the transaction function device includes a cash dispenser(col. 4, lines 5-45, Fig. 1 shows cash dispensers on the ATM, Semple disclose an automated banking machine including a computer and at least one transaction function device in operative connection with the computer, and operating in the computer wherein the computer is operative to cause the transaction function device to operate responsive to instructions in at least one document processed by at least one of the browsers. And Sigona disclose in col. 5, lines 50-67, col. 6, lines 45-65 thereof, multiple browsers open to accept input and one HTML document able to process user input. Combining Sigona and Semple gives you the features of claim 1. Just because Semple has more features than the applicant's invention does not exclude it as prior art. In Sigona, Figs. 1, 2 and 3 clearly shows multiple browsers open on the same screen and accessible to the same users as indicated in col. 5, lines 50-67, col. 6, lines 45-65. Thus, Sigona does teach and suggest a plurality of browsers.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that

any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Claim 2: Semple clearly shows an automated banking machine in fig. 1 that does create output via printer and via display input. It would be obvious to program a computerized ATM machine to create the printout automatically after certain user events have occurred.

Claim 3: Semple and Sigona together do show multiple displays on the screen. Figs. 1,2 and 3 in Sigona clearly show multiple browsers on the screen.

Claim 4: Col. 5, lines 50-67, col. 6, lines 45-65 of Sigona et al. disclose(s) multiple browsers open to accept input and one HTML document able to process user input.

Claim 11: Col. 5, lines 50-67, col. 6, lines 45-65 of Sigona et al. disclose(s) multiple browsers open to accept input and one HTML document able to process user input.

Claim 12: Semple and Sigona together show a banking machine with a plurality of browsers and an output device as described in claim 1 above. An ATM is a transaction processing device and therefore, Semple and Sigona together show step c.

Claim 13: Semple and Sigona together show a banking machine that does output from the multiple browsers on the display screen as per claim 1 above.

Claim 17: Semple and Sigona together show a banking machine that does process transactions resulting from the input into the multiple browsers as per claim 1 above.

Claim 19: Semple and Sigona together show a banking machine that does dispense output based on browser input into a HTML document as per claim 1 above.

Claim 20: In response to applicant's argument that Sigona is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the combination of Semple and Sigona do show cash dispenser outputting things as a result of processing input from an HTML document as per claim 1 above.

Claim 21: Semple and Sigona together show a banking machine combined do show a cash dispenser as per claim 1 above.

Claim 22: Semple and Sigona together show a banking machine which is an apparatus. And Semple and Sigona together show multiple browsers plus an ATM machine is a transaction processing device that clearly responds to browser input.

In response to applicant's argument that Sigona is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if

not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, shows multiple browsers that are combineable with Semple's invention as per claim 1.

Claim 23: Semple and Sigona together show a banking machine with multiple browsers and HTML documents that are a part of the browsers do accept input and give back output. This is an inherent function of the browsers technology.

Claim 24: Semple and Sigona together show a banking machine that clearly shows a display device as per claim 1.

Claim 25: Semple and Sigona together show a banking machine both show the user of HTML documents. Browsers inherently function using this technology.

Claim 26: Semple and Sigona together show a banking machine with HTML documents and HTML means "hypertext mark up language" so therefore this is a feature addressed by the combination of Semple and Sigona.

Claim 27: Semple and Sigona together show a banking machine and a banking machine inherently has a cash dispenser. Further, Semple clearly shows a cash dispenser in Fig. 1.

Claims 5, 28, 29, and 30: Semple et al., Sigona et al. and Jheeta combined clearly show card reader especially in the Fig. 1, item 228 where we see a slot in the picture under the keyboard that shows where the card is inserted into the ATM. Semple indicates the invention does operate as an ATM normally would and ATMs normally do include a card reader and slot for inserting card into card reader. Further, Jheeta

reinforces this by indicating that the user inserts a card into the ATM. The only place the user can insert a card into the ATM is into the card reader(col. 2, lines 30-50). Also, in col. 2, lines 20-50 Jheeta disclose(s) the conventional and well-known financial transaction of withdrawing money from the ATM. An ATM inherently includes transaction data and inherently reads data from the inserted card. Further, ATMs can not function without a connection between the card reader and the transaction processing area of the machine.

Claims 14-16 and 18: Semple et al., Sigona et al. and Bertram et al. combined do include a "show" instruction, specifically, Bertram et al. in Fig. 1B2 item 109 does name the word show and references this with output from the browser screen. Further, Bertram et al. does talk about size instructions given to the computer screen. In col. 7, lines 1-25, 55-67, col. 8, lines 1-10, thereof, Bertram et al. disclose(s) multiple, concurrently active URLs and user selection panel for entering label or title that generates a browser in response to user input. The browser changes in response to user input and browsers are inherently resizeable.

Claims 6-10 and 31-32: Semple does illustrated that it is in operative connection with a network in Fig. 1, items 220,214,215 and 216 are effectively a network. In col. 7, lines 5-60 thereof, Murphy, Jr. et al. disclose(s) HTTP servers that deliver HTML documents throughout the network. Delivering documents throughout a network inherently includes multiple servers that function in response to browsers. The show, resize and display issues have been addressed above.

Claim 33: Leon talks about using Java which is a web-based application development language that facilitates transactions over the Web from an ATM environment by downloading the Java client into the Web browser and that computer code establishes the communication link for transaction processing. The article does refer to the inherent transaction processing features of the ATM machines and how browser technology is used to facilitate this transaction processing. Therefore, what Leon describes is capable of carrying out transactions over the web.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Grant et al. disclose an automated banking machine including a computer, a plurality of transaction function devices in operative connection with the computer, at least one display device in operative connection with the computer, wherein the transaction function devices include a cash dispenser, wherein the computer is operative to cause at least one of the transaction function devices to operate responsive to instructions(Abstract, col. 1, line 10-col. 2, line 25).

Claims 34,35, 36, 37,38,39, 40, 41, 42, 43, 44 and 45, In response to applicant's argument that LaStrange et al. is nonanalogous art, it has been held that a

prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Grant et al. and Leon and LaStrange et al. combined do disclose(s) multiple browsers and HTML documents on the display screen that are responsive to user input; and the size and show features which are inherent in browser technology (LaStrange et al. in Abstract, Figs. 2-6B col. 1, line 40-col. 2, line 25, col. 4, lines 35-50, col. 5, lines 10-25). And since Grant and Leon both refer to ATM, the combined references do mirror the applicant's invention.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Debra F. Charles
Examiner
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August 31, 2004

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